

THE LAW FIRM OF
JEFFREY S. DWECK, P.C.
100 West 33rd Street • Suite 1013
New York, New York 10001

(212) 502-6150
Fax: (212) 502-2010
Email: Jeffrey@dweckny.com

Jeffrey S. Dweck, Esq.*

Of Counsel:
Jack A. Aini, Esq.

* Also admitted in New Jersey.

June 6, 2008

Via ECF

Honorable William H. Pauley, III
United States District Court
for the Southern District of New York
500 Pearl Street – Room 2210
New York, New York 10007

Re: Famous Horse Inc. dba V.I.M. vs. 5th Avenue Photo Inc., et al.
Case No. 07 CV 7818
Plaintiff's Motion filed June 3, 2008

Dear Judge Pauley:

We are writing in response to a filing made June 3, 2008 by the plaintiff in this matter.

By this letter, we oppose any relief sought therein on the following bases:

1. The motion is improperly made and not in accordance with the F.R.C.P., the Court Rules and/or Your Honor's Individual Rules of Practice;
2. The pleading amendment sought is futile and changes nothing that would allow a claim to be made in favor of the "V.I.M." trademark. Should it please the Court, we can brief this issue; and
3. The Exhibit C article and information (alleging an old counterfeiting case in which a "Morris Bouskila" was named) is improperly brought before the court for the sole purpose of muddying our client's name. It is inadmissible as it is irrelevant to the action at hand.
4. Moreover, the discovery argument being made in the "motion" is also improperly made, as discovery is moot when a motion to dismiss is successfully made. Furthermore, this is not the appropriate forum to raise discovery issues in any event! Discovery or the lack thereof was never mentioned in the original opposition papers and are therefore not ripe for a Rule 59 motion.

On these bases we ask that the relief sought be denied summarily.

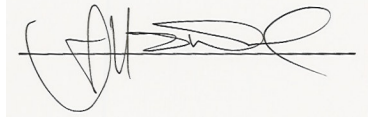
Judge William H. Pauley

June 6, 2008

Page - 2 -

We note for the court's reference a Jewish Holiday on Monday-Tuesday, June 9-10, during which we will be out of our office and unavailable.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jeffrey S. Dweck', is written over a horizontal line.

THE LAW FIRM OF
JEFFREY S. DWECK, P.C.

cc: Feldman Law Group, P.C.
12 East 41st Street
New York, New York 10017
Attention: Kenneth Feldman, Esq.
(Via Fax 212-532-8598 and Email (ken@feldman-law.com))